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# **Committee on Environmental Regulation**

## **Action Packet**

**Wednesday, April 5, 2006**

**1:30 – 3:00 PM**

**212 Knott**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

### Environmental Regulation Committee

**Start Date and Time:** Wednesday, April 05, 2006 01:30 pm

**End Date and Time:** Wednesday, April 05, 2006 03:00 pm

**Location:** 212 Knott Building

**Duration:** 1.50 hrs

#### Consideration of the following bill(s):

HB 313 Regulation of Releases from Gambling Vessels by Allen

HB 701 CS Alternative Energy by Justice

HB 1343 Environmental Protection by Williams

HB 1359 Hazard Mitigation for Coastal Redevelopment by Benson

NOTICE FINALIZED on 04/03/2006 16:04 by Deslatte.Jennifer

**COMMITTEE MEETING REPORT**  
**Environmental Regulation Committee**

**4/5/2006 1:30:00PM**

**Location:** 212 Knott Building

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Mitch Needelman (Chair)	X		
Bob Allen	X		
Don Davis	X		
Will Kendrick	X		
Frank Peterman	X		
David Russell	X		
Franklin Sands	X		
<b>Totals:</b>	<b>7</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Wednesday, April 05, 2006 4:01:58PM

**COMMITTEE MEETING REPORT**  
**Environmental Regulation Committee**

**4/5/2006 1:30:00PM**

**Location:** 212 Knott Building

**HB 313 : Regulation of Releases from Gambling Vessels**

☒ *Temporarily Deferred*

**Appearances:**

Charles Pattison (Lobbyist) - Proponent  
1000 Friends of Florida  
P.O. Box 5948  
Tallahassee Florida 32301-5948  
Phone: 222-6277

Eric Draper (Lobbyist) - Proponent  
Audubon of Florida  
2507 Callaway Rd., #103  
Tallahassee Florida 32303  
Phone: 224-7546

Ralph Haben (Lobbyist) - Opponent  
Day Cruise Association  
2906 Tyron Circle  
Tallahassee Florida 32309  
Phone: 545-5401

Laura McLeod (Lobbyist) - Opponent  
Palm Peach Princess  
P.O. Box 10223  
Tallahassee Florida 32302  
Phone: 224-9448

Jennifer Fitzwater (Lobbyist) (State Employee) - Information Only  
Department of Environmental Protection  
3900 Commonwealth  
Tallahassee Florida 32399  
Phone: 245-2140

Committee meeting was reported out: Wednesday, April 05, 2006 4:01:58PM

Amendment No. \_\_\_\_

## CHAMBER ACTION

SenateHouse.  
.  
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TP

1 Representative(s) Allen offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 376.25, Florida Statutes, is created to  
6 read:

7 376.25 Gambling vessels; registration; required and  
8 prohibited releases.--

9 (1) SHORT TITLE.--This section may be cited as the "Clean  
10 Ocean Act."

11 (2) DEFINITIONS.--As used in this section:

12 (a) "Biomedical waste" means any solid or liquid waste as  
13 defined in s. 381.0098(2)(a).

14 (b) "Coastal waters" means waters of the Atlantic Ocean or  
15 the Gulf of Mexico within the jurisdiction of the state.

16 (c) "Department" means the Department of Environmental  
17 Protection.

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18       (d) "Gambling" or "gambling device" means any game of  
19 chance and includes, but is not limited to, cards, keno,  
20 roulette, faro, slot machines, video poker, or blackjack  
21 machines played for money or thing of value. The term "gambling"  
22 does not include penny-ante games, as defined in s.  
23 849.085(2)(a).

24       (e) "Gambling vessel" means a boat, ship, casino boat,  
25 watercraft, or barge kept, operated, or maintained for the  
26 purpose of gambling and that carries or operates gambling  
27 devices for the use of its passengers or otherwise provides  
28 facilities for the purpose of gambling, whether within or  
29 without the jurisdiction of this state, and whether it is  
30 anchored, berthed, lying to, or navigating, and the sailing,  
31 voyaging, or cruising, or any segment of the sailing, voyaging,  
32 or cruising begins and ends within this state. The term  
33 "gambling vessel" does not include a "cruise ship" as defined in  
34 33 C.F.R. s. 101.105.

35       (f) "Hazardous waste" means any solid waste as defined in  
36 s. 403.703(21).

37       (g) "Oily bilge water" means bilge water that contains  
38 used lubrication oils, oil sludge and slops, fuel and oil  
39 sludge, used oil, used fuel and fuel filters, and oily waste.

40       (h) "Port" means any place in the state into which  
41 gambling vessels enter or depart for docking.

42       (i) "Release" means any discharge of liquids or solids,  
43 however caused, from a gambling vessel and includes any escape,  
44 disposal, spilling, leaking, pumping, emitting, or emptying.

45       (j) "Sewage" means human body waste and the waste from  
46 toilets and other receptacles intended to receive or retain

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human body waste and includes any material that has been collected or treated through a marine sanitation device, as that term is used in Section 312 of the Clean Water Act, 33 U.S.C. s. 1322, or that is a byproduct of sewage treatment.

(k) "Treated blackwater" means that part of treated sewage carried off by toilets, urinals, and kitchen drains.

(l) "Treated graywater" means that part of treated sewage that is not blackwater, including waste from the bath, lavatory, laundry, and sink, except kitchen sink waste.

(m) "Untreated blackwater" means that part of untreated sewage carried off by toilets, urinals, and kitchen drains.

(n) "Untreated graywater" means that part of untreated sewage that is not blackwater, including waste from the bath, lavatory, laundry, and sink, except kitchen sink waste.

(3) REGISTRATION REQUIREMENTS.--

(a) For each calendar year in which the owner or operator of a gambling vessel intends to operate, or cause or allow to be operated, the gambling vessel in coastal waters, the owner or operator of the vessel shall register with the department. The registration shall be completed before any commercial passenger vessel of the owner or operator enters the marine waters of the state in that calendar year. The registration shall include the following information:

1. The vessel owner's business name, and, if different, the vessel operator's business name for each gambling vessel of the owner or operator that is scheduled to be in coastal waters during the calendar year.

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74       2. The postal address, e-mail address, telephone number,  
75 and facsimile number for the principal place of each business  
76 identified in subparagraph 1.

77       3. The name and address of an agent for service of process  
78 for each business identified under subparagraph 1. The owner and  
79 operator shall continuously maintain a designated agent for  
80 service of process whenever a gambling vessel of the owner or  
81 operator is in coastal waters, and the agent shall be an  
82 individual resident of this state, a domestic corporation, or a  
83 foreign corporation having a place of business in and authorized  
84 to do business in this state.

85       4. The name or call sign, port of registry, and passenger  
86 and crew capacity for each of the owner's or operator's vessels  
87 scheduled either to call upon a port in this state or otherwise  
88 to be in coastal waters during the calendar year and after the  
89 date of registration.

90       5. The description of all waste treatment systems for each  
91 vessel identified under subparagraph 4., including system type,  
92 design, operation, location of all discharge pipes and valves,  
93 and number and capacity of all storage areas and holding tanks.

94       (b) Registration under paragraph (a) shall be executed  
95 under oath by the owner or operator or designated representative  
96 thereof.

97       (c) Upon request of the department, the registrant shall  
98 submit registration information required under this subsection  
99 electronically.

100       (4) REQUIRED RELEASES.--

101       (a) Ports shall establish procedures, including a process  
102 for verification of the contents released, for the release of



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sewage, oily bilge water, untreated or treated graywater, untreated or treated blackwater, hazardous waste, and biomedical waste from gambling vessels at port facilities.

(b) Ports shall establish and collect a fee not to exceed the costs associated with disposal of the required releases from gambling vessels.

(5) NOTIFICATION OF RELEASES.--

(a) If a gambling vessel releases any sewage, oily bilge water, untreated or treated graywater, untreated or treated blackwater, hazardous waste, or biomedical waste into coastal waters, the owner or operator shall immediately, but no later than 24 hours after the release, notify the department of the release. The owner or operator shall include all of the following information in the notification:

1. Date of the release.

2. Time of the release.

3. Location of the release.

4. Volume of the release.

5. Source of the release.

6. Remedial actions taken to prevent future releases.

(6) PENALTIES.--

(a) A person who violates this section is subject to a civil penalty of not more than \$50,000 for each violation.

(b) The civil penalty imposed for each separate violation of this section is separate from, and in addition to, any other civil penalty imposed for a separate violation under this subsection or any other provision of law.

(c) In determining the amount of a civil penalty imposed under this subsection, the department shall take into

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132 consideration all relevant circumstances, including, but not  
133 limited to, the nature, circumstances, extent, and gravity of  
134 the violation. In making this determination, the department  
135 shall consider the degree of toxicity and volume of the release,  
136 the extent of harm caused by the violation, whether the effects  
137 of the violation may be reversed or mitigated, and, with respect  
138 to the defendant, the ability to pay, the effect of a civil  
139 penalty on the ability to continue in business, all voluntary  
140 cleanup efforts undertaken, the prior history of violations, the  
141 gravity of the behavior, the economic benefit, if any, resulting  
142 from the violation, and all other matters the department  
143 determines justice may require.

144 (7) APPLICABILITY.--This section does not apply to  
145 releases made for the purpose of securing the safety of the  
146 gambling vessel or saving life at sea if all reasonable  
147 precautions have been taken for the purpose of preventing or  
148 minimizing the release.

149 (8) RULES.--The department shall adopt rules pursuant to  
150 ss. 120.536(1) and 120.54 to implement and administer this  
151 section.

152 Section 2. The Department of Environmental Protection  
153 shall request the appropriate federal agencies to prohibit the  
154 release of all sewage, oily bilgewater, untreated or treated  
155 graywater, untreated or treated blackwater, hazardous waste, or  
156 biomedical waste from any gambling vessel within the federal  
157 territorial waters off the shores of Florida.

158 Section 3. This act shall take effect January 1, 2007.  
159  
160

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## ===== T I T L E   A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to regulation of releases from gambling vessels; creating s. 376.25, F.S.; providing a short title; providing definitions; requiring gambling vessels operating in coastal waters to register with the Department of Environmental Protection; specifying the requirements for vessel registration; requiring ports to establish procedures for the release of certain substances by gambling vessels at port facilities; requiring ports to establish and collect certain fees; requiring the reporting of the release of certain substances into coastal waters by gambling vessels; providing civil penalties for violations; providing exemptions; requiring the department to adopt rules to implement and administer the section; directing the Department of Environmental Protection to petition the federal government to prohibit certain releases within the federal territorial waters off Florida's shores; providing an effective date.

**COMMITTEE MEETING REPORT**  
**Environmental Regulation Committee**

**4/5/2006 1:30:00PM**

**Location:** 212 Knott Building

**HB 701 CS : Alternative Energy**

<input checked="" type="checkbox"/> <i>Favorable</i>					
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Bob Allen	X				
Don Davis			X		
Will Kendrick	X				
Frank Peterman	X				
David Russell	X				
Franklin Sands	X				
Mitch Needelman (Chair)	X				
<b>Total Yeas: 6</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Wednesday, April 05, 2006 4:01:58PM

**COMMITTEE MEETING REPORT**  
**Environmental Regulation Committee**

**4/5/2006 1:30:00PM**

**Location:** 212 Knott Building

**HB 1343 : Environmental Protection**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Bob Allen	X				
Don Davis			X		
Will Kendrick	X				
Frank Peterman	X				
David Russell	X				
Franklin Sands	X				
Mitch Needelman (Chair)	X				
<b>Total Yeas: 6      Total Nays: 0</b>					

**HB 1343 Amendments**

**Amendment Substitute**

☒ Adopted Without Objection

**Appearances:**

Linda Young - Opponent  
Clean Water Network of Florida  
517 Beverly Street  
Tallahassee Florida 32301  
Phone: 222-9188

Susan Caplowe (Lobbyist) - Opponent  
Sierra Club  
P.O. Box 1201  
Tallahassee Florida 32302  
Phone: 385-6160

Eric Draper (Lobbyist) - Information Only  
Audubon of Florida  
2507 Callaway Rd., #103  
Tallahassee Florida 32303  
Phone: 224-7576

Denise Layne (Lobbyist) - Opponent  
Coalition 4 Responsible Government Inc.  
2504 Ayers Hill Court  
Lutz Florida 33559  
Phone: 813-246-0485

Committee meeting was reported out: Wednesday, April 05, 2006 4:01:58PM

**COMMITTEE MEETING REPORT**  
**Environmental Regulation Committee**

**4/5/2006 1:30:00PM**

**Location:** 212 Knott Building

Frank Matthews (Lobbyist) - Proponent

Association of Florida Community Developers Inc.

P.O. Box 6526

Tallahassee Florida 32301

Phone: 222-7500

Committee meeting was reported out: Wednesday, April 05, 2006 4:01:58PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1343

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Council/Committee hearing bill: Environmental Regulation  
2 Committee

3 Representative(s) Williams offered the following:  
4

5 **Substitute Amendment for Amendment (1) by Representative**  
6 **Williams (with title amendment)**

7 Remove line(s) 136-219 and insert:

8 In order to effectuate efficient wetland permitting and avoid  
9 duplication, the department and water management districts are  
10 authorized to implement a voluntary statewide programmatic  
11 general permit for all dredge and fill activities impacting ten  
12 acres or less or wetlands or other surface waters, including  
13 navigable waters, subject to agreement with the United States  
14 Department of the Army Corps of Engineers in accordance with the  
15 following conditions:

16 (a) By seeking to use the statewide programmatic general  
17 permit authorized by this section, an applicant consents to the  
18 department or district applying the landward most delineation of  
19 wetlands or other surface waters applicable pursuant to this  
20 part or the regulations implementing s. 404 of the Clean Water  
21 Act, Pub. L. No. 92-500 as amended 33 USC § 1251 et seq., and s.  
22 10 of the Rivers and Harbors Act of 1899. In the implementation

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 of the 1987 Corps of Engineers Wetlands Manual Technical Report  
24 ( 87-1), the department or district shall equate high organic  
25 matter in the surface horizon in accordance with the National  
26 Resource Conservation Service (NRCS) indications for hydric  
27 soils approved for use in Florida. The department shall be  
28 responsible for ensuring statewide coordination and consistency  
29 in the delineation of surface waters and wetlands pursuant to  
30 the statewide programmatic general permit authorized by this  
31 part, by providing training and guidance to the department and  
32 districts in the implementation of this permit.

33 (b) By seeking to use the statewide programmatic general  
34 permit authorized by this section an applicant consents to  
35 applicable substantive federal wetland regulatory criteria,  
36 which are not included pursuant to this part, but which are  
37 authorized by the regulation implementing s. 404 of the Clean  
38 Water Act, Pub. L. No. 92-500 as amended 33 USC § 1251 et seq.,  
39 and s. 10 of the Rivers and Harbors Act of 1899 as required by  
40 the Corps of Engineers notwithstanding the provisions of s.  
41 373.4145, F.S., and for the limited purposes of implementing the  
42 statewide programmatic general permit authorized by this  
43 section.

44 (c) The department is authorized to adopt rules and apply  
45 environmental resource permitting program criteria adopted  
46 pursuant to s. 373.414(9) to both waters of the State and  
47 isolated wetlands. Upon adoption of these rules, applicants in  
48 the Northwest Florida Water Management District can elect to  
49 pursue use of the statewide programmatic general permit  
50 authorized by this section.

51 Section 2. Subsection (19) of section 373.4211, Florida  
52 Statutes, is amended to read:



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

53 (19) (a) Rule 17-340.450(3) is amended by adding, after the  
54 species list, the following language:

55 "Within Monroe County and the Key Largo portion of Dade  
56 County only, the following species shall be listed as  
57 facultative: *Alternanthera paronychioides*, *Byrsonima lucida*,  
58 *Ernodea littoralis*, *Guapira discolor*, *Marnilkara bahamensis*,  
59 *Pisonis rotundata*, *Pithecellobium keyensis*, *Pithecellobium*  
60 *unquis-cati*, *Randia aculeata*, *Reynosia septentrionalis*, and  
61 *Thrinax radiata*."

62 (b) Pursuant to s. 373.421, and subject to the conditions  
63 described herein, the Legislature ratifies the changes to rule  
64 62-340.450(3), Florida Administrative Code, approved on February  
65 23, 2006, by the Environmental Regulation Commission which add  
66 slash pine (*pinus elliotti*) and gallberry (*flex glabral*) to the  
67 list of facultative plants. However, this ratification and the  
68 rule revision shall not become effective until 60 days after the  
69 date the statewide programmatic general permit authorized by s.  
70 373.4144(1) becomes effective covering no less than five acres  
71 of wetland impact.

72 (c) Surface water and wetland delineations identified and  
73 approved by a permit issued under rules adopted pursuant to this  
74 part prior to the effective date of the statewide programmatic  
75 general permit authorized by s. 373.4144(1) shall remain valid  
76 until expiration of such permit, notwithstanding the changes to  
77 rule 62-340.450(3) described in this subsection. For purposes  
78 of this paragraph, the term "identified and approved" means:

- 79 1. The delineation was field-verified by the permitting agency  
80 and such verification was surveyed as part of the application  
81 review process for the permit; or  
82 2. The delineation was field-verified by the permitting agency  
83 and approved by the permit.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

84 Where surface water and wetland delineations were not identified  
85 and approved by the permit issued under rules adopted pursuant  
86 to this part, delineations within the geographical area to which  
87 such permit applies shall be determined pursuant to the rules  
88 applicable at the time the permit was issued, notwithstanding  
89 the changes to rule 62-340.450(3) described in this subsection.  
90 This paragraph shall also apply to any modification of the  
91 permit issued under rules adopted pursuant to this part, that  
92 does not constitute a substantial modification, within the  
93 geographical area to which the permit applies

94 (d) Any declaratory statement issued by the department  
95 under s. 403.914, 1984 Supplement to the Florida Statutes 1983,  
96 as amended, or pursuant to rules adopted thereunder, or by the  
97 department or a water management district under s. 373.421, in  
98 response to a petition filed on or before the effective date of  
99 the statewide programmatic general permit authorized by s.  
100 373.4144(1), shall continue to be valid for the duration of such  
101 declaratory statement. Any such petition pending on or before  
102 the effective date of the statewide programmatic general permit  
103 authorized by s. 373.4144(1), shall be exempt from the changes  
104 to rule 62-340.450(3) described in this subsection, and shall be  
105 subject to the provisions of chapter 62-340, Florida  
106 Administrative Code, in effect prior to such change. Activities  
107 proposed within the boundaries of a valid declaratory statement  
108 issued pursuant to a petition submitted to either the department  
109 or the relevant water management district on or before the  
110 effective date of the statewide programmatic general permit  
111 authorized by s. 373.4144(1), or a revalidated jurisdictional  
112 determination prior to its expiration, shall continue thereafter  
113 to be exempt from the changes to rule 62-340.450(3) described in  
114 this subsection.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

115       (e) A permit application under this part for dredging and  
116 filling or other activity, which is pending on or before the  
117 effective date of the statewide programmatic general permit  
118 authorized by s. 373.4144(1) shall be exempt from the changes to  
119 rule 62-340.450(3) described in this subsection.

120       (f) Activities associated with mining operations as  
121 defined by and subject to ss. 378.201-378.212 and 378.701-  
122 378.703 and included in a conceptual reclamation plan or  
123 modification application submitted on or before the effective  
124 date of the statewide programmatic general permit authorized by  
125 s. 373.4144(1) shall be exempt from changes to rule 62-  
126 340.450(3) described in this subsection.

127  
128 ===== T I T L E   A M E N D M E N T =====

129       Remove line(s) 16-19 and insert:

130 the Northwest Florida Water Management District; providing  
131 rulemaking authority; amending 373.4211, F.S.; revising  
132 provisions concerning the vegetative index used to delineate the  
133 landward extent of wetlands and surface waters; providing  
134 grandfathering provisions; providing exemptions; providing  
135 effective dates.

**COMMITTEE MEETING REPORT**  
**Environmental Regulation Committee**

**4/5/2006 1:30:00PM**

**Location:** 212 Knott Building

**HB 1359 : Hazard Mitigation for Coastal Redevelopment**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Bob Allen	X				
Don Davis			X		
Will Kendrick	X				
Frank Peterman	X				
David Russell	X				
Franklin Sands	X				
Mitch Needelman (Chair)	X				
<b>Total Yeas: 6      Total Nays: 0</b>					

**HB 1359 Amendments**

**Amendment 1**

☒ Adopted Without Objection

**Appearances:**

Eric Poole (Lobbyist) - Information Only  
Florida Association of Counties  
100 Monroe St.  
Tallahassee Florida 32302  
Phone: 922-4300

Valerie Hubbard (Lobbyist) (State Employee) - Proponent  
Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee Florida 32399  
Phone: 487-4545

Deborah Flack (Lobbyist) - Proponent  
Florida Shore & Beach Preservation Association  
1961 Chatsworth Way  
Tallahassee Florida 32309  
Phone: 906-9227

Committee meeting was reported out: Wednesday, April 05, 2006 4:01:58PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1359

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)

ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)

ADOPTED W/O OBJECTION ☒ (Y/N)

FAILED TO ADOPT \_\_\_\_\_ (Y/N)

WITHDRAWN \_\_\_\_\_ (Y/N)

OTHER \_\_\_\_\_

Council/Committee hearing bill: Environmental Regulation  
Committee

Representative(s) Benson offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsection (3) of section 161.085, Florida  
Statutes, is amended, and subsection (8) is added to that  
section, to read:

161.085 Rigid coastal armoring structures.--

(3) If erosion occurs as a result of a storm event which  
threatens private structures or public infrastructure and a  
permit has not been issued pursuant to subsection (2), unless  
the authority has been revoked by order of the department  
pursuant to subsection (8), an the agency, political  
subdivision, or municipality having jurisdiction over the  
impacted area may install or authorize installation of rigid  
coastal armoring structures for the protection of private  
structures or public infrastructure, or take other measures to  
relieve the threat to private structures or public  
infrastructure as long as the following items are considered and  
incorporated into such emergency measures:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

- 23 (a) Protection of the beach-dune system.
- 24 (b) Siting and design criteria for the protective
- 25 structure.
- 26 (c) Impacts on adjacent properties.
- 27 (d) Preservation of public beach access.
- 28 (e) Protection of native coastal vegetation and nesting
- 29 marine turtles and their hatchlings.

30 (8) If an agency, political subdivision, or municipality

31 installs or authorizes installation of a rigid coastal armoring

32 structure that does not comply with subsection (3), and if the

33 department determines that the action harms or interferes with

34 the protection of the beach-dune system, adversely impacts

35 adjacent properties, interferes with public beach access, or

36 harms native coastal vegetation or nesting marine turtles or

37 their hatchlings, the department may revoke by order the

38 authority of the agency, political subdivision, or municipality

39 under subsection (3) to install or authorize the installation of

40 rigid coastal armoring structures.

41 Section 2. Paragraph (h) of subsection (2) of section

42 163.3178, Florida Statutes, is amended to read:

43 163.3178 Coastal management.--

44 (2) Each coastal management element required by s.

45 163.3177(6)(g) shall be based on studies, surveys, and data; be

46 consistent with coastal resource plans prepared and adopted

47 pursuant to general or special law; and contain:

48 (h) Designation of coastal high-hazard coastal areas and

49 the criteria for mitigation for a comprehensive plan amendment

50 in the coastal high hazard area as defined in s. 163.3178(9). ~~r~~

51 ~~which for uniformity and planning purposes herein, are defined~~

52 ~~as category 1 evacuation zones.~~ The Coastal High Hazard Area is

53 the area below the elevation of the Category 1 storm surge line

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 as established by a Sea, Lake and Overland Surges (SLOSH)  
55 computerized storm surge model. However, Application of  
56 mitigation The application for development and redevelopment  
57 policies, pursuant to s. 380.27(2), and any rules adopted  
58 thereunder, shall be at the discretion of local government.

59 (9) (a) A proposed comprehensive plan amendment shall be  
60 found in compliance with state coastal high hazard standards as  
61 provided in rule 9J-5.012(3)(b)(6) and (7) if:

62 (i) the adopted level of service for out-of-county  
63 hurricane evacuation is maintained; or

64 (ii) a 12 hour evacuation time to shelter is maintained  
65 and shelter space reasonably attributable to the development  
66 contemplated by a proposed comprehensive plan amendment is  
67 available; or

68 (iii) appropriate mitigation to satisfy the provisions of  
69 either (i) or (ii) is provided. Appropriate mitigation shall  
70 include, without limitation, payment of money, contribution of  
71 land and construction of hurricane shelters and transportation  
72 facilities.

73  
74 Required mitigation shall not exceed the amount required for a  
75 developer to accommodate impacts reasonably attributable to its  
76 development. For those local governments that have not  
77 established a level of service for out of county hurricane  
78 evacuation by July 1, 2008, the level of service shall be no  
79 greater than 16 hours.

80 (b) No new adult congregate living facilities, community  
81 residential homes, group homes, homes for the aged, hospitals,  
82 or nursing homes shall be located within the coastal high hazard  
83 area.

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84 (c) This section shall become effective immediately and apply to  
85 all local governments. No later than July 1, 2008, local  
86 government shall amend their Future Land Use Map and coastal  
87 management element to include the new definition of coastal high  
88 hazard, the coastal high hazard map, and the appropriate  
89 mitigation strategies.

90 Section 3. Subsection (2), paragraph (d) of section  
91 163.3178, Florida Statutes, is amended to read:

92 (d) A component which outlines principles for hazard  
93 mitigation and protection of human life against the effects of  
94 natural disaster, including population evacuation, which take  
95 into consideration the capability to safely evacuate the density  
96 of coastal population proposed in the future land use plan  
97 element in the event of an impending natural disaster. The  
98 Division of Emergency Management shall manage the update of the  
99 regional hurricane evacuation studies, ensure such studies are  
100 done in a consistent manner, and ensure that the methodology  
101 used for modeling storm surge is that used by the National  
102 Hurricane Center.

103 Section 4. Subsection (4) of section 381.0065, Florida  
104 Statutes, is amended to read:

105 381.0065 Onsite sewage treatment and disposal systems;  
106 regulation.--

107 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person may  
108 not construct, repair, modify, abandon, or operate an onsite  
109 sewage treatment and disposal system without first obtaining a  
110 permit approved by the department. The department may issue  
111 permits to carry out this section, but shall not make the  
112 issuance of such permits contingent upon prior approval by the  
113 Department of Environmental Protection, except that the issuance  
114 of a permit for work seaward of the coastal construction control



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115 line established under s. 161.053 shall be contingent upon  
116 receipt of any required coastal construction control line permit  
117 from the Department of Environmental Protection. A construction  
118 permit is valid for 18 months from the issuance date and may be  
119 extended by the department for one 90-day period under rules  
120 adopted by the department. A repair permit is valid for 90 days  
121 from the date of issuance. An operating permit must be obtained  
122 prior to the use of any aerobic treatment unit or if the  
123 establishment generates commercial waste. Buildings or  
124 establishments that use an aerobic treatment unit or generate  
125 commercial waste shall be inspected by the department at least  
126 annually to assure compliance with the terms of the operating  
127 permit. The operating permit for a commercial wastewater system  
128 is valid for 1 year from the date of issuance and must be  
129 renewed annually. The operating permit for an aerobic treatment  
130 unit is valid for 2 years from the date of issuance and must be  
131 renewed every 2 years. If all information pertaining to the  
132 siting, location, and installation conditions or repair of an  
133 onsite sewage treatment and disposal system remains the same, a  
134 construction or repair permit for the onsite sewage treatment  
135 and disposal system may be transferred to another person, if the  
136 transferee files, within 60 days after the transfer of  
137 ownership, an amended application providing all corrected  
138 information and proof of ownership of the property. There is no  
139 fee associated with the processing of this supplemental  
140 information. A person may not contract to construct, modify,  
141 alter, repair, service, abandon, or maintain any portion of an  
142 onsite sewage treatment and disposal system without being  
143 registered under part III of chapter 489. A property owner who  
144 personally performs construction, maintenance, or repairs to a  
145 system serving his or her own owner-occupied single-family

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146 residence is exempt from registration requirements for  
147 performing such construction, maintenance, or repairs on that  
148 residence, but is subject to all permitting requirements. A  
149 municipality or political subdivision of the state may not issue  
150 a building or plumbing permit for any building that requires the  
151 use of an onsite sewage treatment and disposal system unless the  
152 owner or builder has received a construction permit for such  
153 system from the department. A building or structure may not be  
154 occupied and a municipality, political subdivision, or any state  
155 or federal agency may not authorize occupancy until the  
156 department approves the final installation of the onsite sewage  
157 treatment and disposal system. A municipality or political  
158 subdivision of the state may not approve any change in occupancy  
159 or tenancy of a building that uses an onsite sewage treatment  
160 and disposal system until the department has reviewed the use of  
161 the system with the proposed change, approved the change, and  
162 amended the operating permit.

163 (a) Subdivisions and lots in which each lot has a minimum  
164 area of at least one-half acre and either a minimum dimension of  
165 100 feet or a mean of at least 100 feet of the side bordering  
166 the street and the distance formed by a line parallel to the  
167 side bordering the street drawn between the two most distant  
168 points of the remainder of the lot may be developed with a water  
169 system regulated under s. 381.0062 and onsite sewage treatment  
170 and disposal systems, provided the projected daily sewage flow  
171 does not exceed an average of 1,500 gallons per acre per day,  
172 and provided satisfactory drinking water can be obtained and all  
173 distance and setback, soil condition, water table elevation, and  
174 other related requirements of this section and rules adopted  
175 under this section can be met.

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(b) Subdivisions and lots using a public water system as defined in s. 403.852 may use onsite sewage treatment and disposal systems, provided there are no more than four lots per acre, provided the projected daily sewage flow does not exceed an average of 2,500 gallons per acre per day, and provided that all distance and setback, soil condition, water table elevation, and other related requirements that are generally applicable to the use of onsite sewage treatment and disposal systems are met.

(c) Notwithstanding the provisions of paragraphs (a) and (b), for subdivisions platted of record on or before October 1, 1991, when a developer or other appropriate entity has previously made or makes provisions, including financial assurances or other commitments, acceptable to the Department of Health, that a central water system will be installed by a regulated public utility based on a density formula, private potable wells may be used with onsite sewage treatment and disposal systems until the agreed-upon densities are reached. The department may consider assurances filed with the Department of Business and Professional Regulation under chapter 498 in determining the adequacy of the financial assurance required by this paragraph. In a subdivision regulated by this paragraph, the average daily sewage flow may not exceed 2,500 gallons per acre per day. This section does not affect the validity of existing prior agreements. After October 1, 1991, the exception provided under this paragraph is not available to a developer or other appropriate entity.

(d) Paragraphs (a) and (b) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewerage system is available. It is the intent of this paragraph not to allow development of

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additional proposed subdivisions in order to evade the requirements of this paragraph.

(e) Onsite sewage treatment and disposal systems must not be placed closer than:

1. Seventy-five feet from a private potable well.

2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.

3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.

4. Fifty feet from any nonpotable well.

5. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.

6. Seventy-five feet from the mean high-water line of a tidally influenced surface water body.

7. Seventy-five feet from the mean annual flood line of a permanent nontidal surface water body.

8. Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention areas.

(f) Except as provided under paragraphs (e) and (t), no limitations shall be imposed by rule, relating to the distance between an onsite disposal system and any area that either permanently or temporarily has visible surface water.

(g) All provisions of this section and rules adopted under this section relating to soil condition, water table elevation,

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distance, and other setback requirements must be equally applied to all lots, with the following exceptions:

1. Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting agency on or after January 1, 1972, and that was eligible for an onsite sewage treatment and disposal system construction permit on the date of such platting and recording or approval shall be eligible for an onsite sewage treatment and disposal system construction permit, regardless of when the application for a permit is made. If rules in effect at the time the permit application is filed cannot be met, residential lots platted and recorded or approved on or after January 1, 1972, shall, to the maximum extent possible, comply with the rules in effect at the time the permit application is filed. At a minimum, however, those residential lots platted and recorded or approved on or after January 1, 1972, but before January 1, 1983, shall comply with those rules in effect on January 1, 1983, and those residential lots platted and recorded or approved on or after January 1, 1983, shall comply with those rules in effect at the time of such platting and recording or approval. In determining the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

2. Lots platted before 1972 are subject to a 50-foot minimum surface water setback and are not subject to lot size requirements. The projected daily flow for onsite sewage treatment and disposal systems for lots platted before 1972 may not exceed:

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268 a. Two thousand five hundred gallons per acre per day for  
269 lots served by public water systems as defined in s. 403.852.

270 b. One thousand five hundred gallons per acre per day for  
271 lots served by water systems regulated under s. 381.0062.

272 (h)1. The department may grant variances in hardship cases  
273 which may be less restrictive than the provisions specified in  
274 this section. If a variance is granted and the onsite sewage  
275 treatment and disposal system construction permit has been  
276 issued, the variance may be transferred with the system  
277 construction permit, if the transferee files, within 60 days  
278 after the transfer of ownership, an amended construction permit  
279 application providing all corrected information and proof of  
280 ownership of the property and if the same variance would have  
281 been required for the new owner of the property as was  
282 originally granted to the original applicant for the variance.  
283 There is no fee associated with the processing of this  
284 supplemental information. A variance may not be granted under  
285 this section until the department is satisfied that:

286 a. The hardship was not caused intentionally by the action  
287 of the applicant;

288 b. No reasonable alternative, taking into consideration  
289 factors such as cost, exists for the treatment of the sewage;  
290 and

291 c. The discharge from the onsite sewage treatment and  
292 disposal system will not adversely affect the health of the  
293 applicant or the public or significantly degrade the groundwater  
294 or surface waters.

295  
296 Where soil conditions, water table elevation, and setback  
297 provisions are determined by the department to be satisfactory,

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special consideration must be given to those lots platted before 1972.

2. The department shall appoint and staff a variance review and advisory committee, which shall meet monthly to recommend agency action on variance requests. The committee shall make its recommendations on variance requests at the meeting in which the application is scheduled for consideration, except for an extraordinary change in circumstances, the receipt of new information that raises new issues, or when the applicant requests an extension. The committee shall consider the criteria in subparagraph 1. in its recommended agency action on variance requests and shall also strive to allow property owners the full use of their land where possible. The committee consists of the following:

a. The Division Director for Environmental Health of the department or his or her designee.

b. A representative from the county health departments.

c. A representative from the home building industry recommended by the Florida Home Builders Association.

d. A representative from the septic tank industry recommended by the Florida Onsite Wastewater Association.

e. A representative from the Department of Environmental Protection.

f. A representative from the real estate industry who is also a developer in this state who develops lots using onsite sewage treatment and disposal systems, recommended by the Florida Association of Realtors.

g. A representative from the engineering profession recommended by the Florida Engineering Society.

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Members shall be appointed for a term of 3 years, with such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration, but if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

(i) A construction permit may not be issued for an onsite sewage treatment and disposal system in any area zoned or used for industrial or manufacturing purposes, or its equivalent, where a publicly owned or investor-owned sewage treatment system is available, or where a likelihood exists that the system will receive toxic, hazardous, or industrial waste. An existing onsite sewage treatment and disposal system may be repaired if a publicly owned or investor-owned sewerage system is not available within 500 feet of the building sewer stub-out and if system construction and operation standards can be met. This paragraph does not require publicly owned or investor-owned sewerage treatment systems to accept anything other than domestic wastewater.

1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The department shall not grant approval when the proposed use of the system is to dispose of toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals.

2. Each person who owns or operates a business or facility in an area zoned or used for industrial or manufacturing purposes, or its equivalent, or who owns or operates a business that has the potential to generate toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals, and uses



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an onsite sewage treatment and disposal system that is installed on or after July 5, 1989, must obtain an annual system operating permit from the department. A person who owns or operates a business that uses an onsite sewage treatment and disposal system that was installed and approved before July 5, 1989, need not obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.

3. The department shall periodically review and evaluate the continued use of onsite sewage treatment and disposal systems in areas zoned or used for industrial or manufacturing purposes, or its equivalent, and may require the collection and analyses of samples from within and around such systems. If the department finds that toxic or hazardous chemicals or toxic, hazardous, or industrial wastewater have been or are being disposed of through an onsite sewage treatment and disposal system, the department shall initiate enforcement actions against the owner or tenant to ensure adequate cleanup, treatment, and disposal.

(j) An onsite sewage treatment and disposal system for a single-family residence that is designed by a professional engineer registered in the state and certified by such engineer as complying with performance criteria adopted by the department must be approved by the department subject to the following:

1. The performance criteria applicable to engineer-designed systems must be limited to those necessary to ensure that such systems do not adversely affect the public health or significantly degrade the groundwater or surface water. Such performance criteria shall include consideration of the quality

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390 of system effluent, the proposed total sewage flow per acre,  
391 wastewater treatment capabilities of the natural or replaced  
392 soil, water quality classification of the potential surface-  
393 water-receiving body, and the structural and maintenance  
394 viability of the system for the treatment of domestic  
395 wastewater. However, performance criteria shall address only the  
396 performance of a system and not a system's design.

397 2. The technical review and advisory panel shall assist  
398 the department in the development of performance criteria  
399 applicable to engineer-designed systems.

400 3. A person electing to utilize an engineer-designed  
401 system shall, upon completion of the system design, submit such  
402 design, certified by a registered professional engineer, to the  
403 county health department. The county health department may  
404 utilize an outside consultant to review the engineer-designed  
405 system, with the actual cost of such review to be borne by the  
406 applicant. Within 5 working days after receiving an engineer-  
407 designed system permit application, the county health department  
408 shall request additional information if the application is not  
409 complete. Within 15 working days after receiving a complete  
410 application for an engineer-designed system, the county health  
411 department either shall issue the permit or, if it determines  
412 that the system does not comply with the performance criteria,  
413 shall notify the applicant of that determination and refer the  
414 application to the department for a determination as to whether  
415 the system should be approved, disapproved, or approved with  
416 modification. The department engineer's determination shall  
417 prevail over the action of the county health department. The  
418 applicant shall be notified in writing of the department's  
419 determination and of the applicant's rights to pursue a variance  
420 or seek review under the provisions of chapter 120.

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421       4. The owner of an engineer-designed performance-based  
422 system must maintain a current maintenance service agreement  
423 with a maintenance entity permitted by the department. The  
424 maintenance entity shall obtain a biennial system operating  
425 permit from the department for each system under service  
426 contract. The department shall inspect the system at least  
427 annually, or on such periodic basis as the fee collected  
428 permits, and may collect system-effluent samples if appropriate  
429 to determine compliance with the performance criteria. The fee  
430 for the biennial operating permit shall be collected beginning  
431 with the second year of system operation. The maintenance entity  
432 shall inspect each system at least twice each year and shall  
433 report quarterly to the department on the number of systems  
434 inspected and serviced.

435       5. If an engineer-designed system fails to properly  
436 function or fails to meet performance standards, the system  
437 shall be re-engineered, if necessary, to bring the system into  
438 compliance with the provisions of this section.

439       (k) An innovative system may be approved in conjunction  
440 with an engineer-designed site-specific system which is  
441 certified by the engineer to meet the performance-based criteria  
442 adopted by the department.

443       (1) For the Florida Keys, the department shall adopt a  
444 special rule for the construction, installation, modification,  
445 operation, repair, maintenance, and performance of onsite sewage  
446 treatment and disposal systems which considers the unique soil  
447 conditions and which considers water table elevations,  
448 densities, and setback requirements. On lots where a setback  
449 distance of 75 feet from surface waters, saltmarsh, and  
450 buttonwood association habitat areas cannot be met, an injection  
451 well, approved and permitted by the department, may be used for

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452 disposal of effluent from onsite sewage treatment and disposal  
453 systems.

454 (m) No product sold in the state for use in onsite sewage  
455 treatment and disposal systems may contain any substance in  
456 concentrations or amounts that would interfere with or prevent  
457 the successful operation of such system, or that would cause  
458 discharges from such systems to violate applicable water quality  
459 standards. The department shall publish criteria for products  
460 known or expected to meet the conditions of this paragraph. In  
461 the event a product does not meet such criteria, such product  
462 may be sold if the manufacturer satisfactorily demonstrates to  
463 the department that the conditions of this paragraph are met.

464 (n) Evaluations for determining the seasonal high-water  
465 table elevations or the suitability of soils for the use of a  
466 new onsite sewage treatment and disposal system shall be  
467 performed by department personnel, professional engineers  
468 registered in the state, or such other persons with expertise,  
469 as defined by rule, in making such evaluations. Evaluations for  
470 determining mean annual flood lines shall be performed by those  
471 persons identified in paragraph (2)(i). The department shall  
472 accept evaluations submitted by professional engineers and such  
473 other persons as meet the expertise established by this section  
474 or by rule unless the department has a reasonable scientific  
475 basis for questioning the accuracy or completeness of the  
476 evaluation.

477 (o) The department shall appoint a research review and  
478 advisory committee, which shall meet at least semiannually. The  
479 committee shall advise the department on directions for new  
480 research, review and rank proposals for research contracts, and  
481 review draft research reports and make comments. The committee  
482 is comprised of:

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1. A representative of the Division of Environmental Health of the Department of Health.
2. A representative from the septic tank industry.
3. A representative from the home building industry.
4. A representative from an environmental interest group.
5. A representative from the State University System, from a department knowledgeable about onsite sewage treatment and disposal systems.
6. A professional engineer registered in this state who has work experience in onsite sewage treatment and disposal systems.
7. A representative from the real estate profession.
8. A representative from the restaurant industry.
9. A consumer.

Members shall be appointed for a term of 3 years, with the appointments being staggered so that the terms of no more than four members expire in any one year. Members shall serve without remuneration, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

(p) An application for an onsite sewage treatment and disposal system permit shall be completed in full, signed by the owner or the owner's authorized representative, or by a contractor licensed under chapter 489, and shall be accompanied by all required exhibits and fees. No specific documentation of property ownership shall be required as a prerequisite to the review of an application or the issuance of a permit. The issuance of a permit does not constitute determination by the department of property ownership.

(q) The department may not require any form of subdivision analysis of property by an owner, developer, or subdivider prior

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to submission of an application for an onsite sewage treatment and disposal system.

(r) Nothing in this section limits the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(s) In the siting of onsite sewage treatment and disposal systems, including drainfields, shoulders, and slopes, guttering shall not be required on single-family residential dwelling units for systems located greater than 5 feet from the roof drip line of the house. If guttering is used on residential dwelling units, the downspouts shall be directed away from the drainfield.

(t) Notwithstanding the provisions of subparagraph (g)1., onsite sewage treatment and disposal systems located in floodways of the Suwannee and Aucilla Rivers must adhere to the following requirements:

1. The absorption surface of the drainfield shall not be subject to flooding based on 10-year flood elevations. Provided, however, for lots or parcels created by the subdivision of land in accordance with applicable local government regulations prior to January 17, 1990, if an applicant cannot construct a drainfield system with the absorption surface of the drainfield at an elevation equal to or above 10-year flood elevation, the department shall issue a permit for an onsite sewage treatment and disposal system within the 10-year floodplain of rivers, streams, and other bodies of flowing water if all of the following criteria are met:

- a. The lot is at least one-half acre in size;
- b. The bottom of the drainfield is at least 36 inches above the 2-year flood elevation; and

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544 c. The applicant installs either: a waterless,  
545 incinerating, or organic waste composting toilet and a graywater  
546 system and drainfield in accordance with department rules; an  
547 aerobic treatment unit and drainfield in accordance with  
548 department rules; a system approved by the State Health Office  
549 that is capable of reducing effluent nitrate by at least 50  
550 percent; or a system approved by the county health department  
551 pursuant to department rule other than a system using  
552 alternative drainfield materials. The United States Department  
553 of Agriculture Soil Conservation Service soil maps, State of  
554 Florida Water Management District data, and Federal Emergency  
555 Management Agency Flood Insurance maps are resources that shall  
556 be used to identify flood-prone areas.

557 2. The use of fill or mounding to elevate a drainfield  
558 system out of the 10-year floodplain of rivers, streams, or  
559 other bodies of flowing water shall not be permitted if such a  
560 system lies within a regulatory floodway of the Suwannee and  
561 Aucilla Rivers. In cases where the 10-year flood elevation does  
562 not coincide with the boundaries of the regulatory floodway, the  
563 regulatory floodway will be considered for the purposes of this  
564 subsection to extend at a minimum to the 10-year flood  
565 elevation.

566 (u) The owner of an aerobic treatment unit system shall  
567 maintain a current maintenance service agreement with an aerobic  
568 treatment unit maintenance entity permitted by the department.  
569 The maintenance entity shall obtain a system operating permit  
570 from the department for each aerobic treatment unit under  
571 service contract. The maintenance entity shall inspect each  
572 aerobic treatment unit system at least twice each year and shall  
573 report quarterly to the department on the number of aerobic  
574 treatment unit systems inspected and serviced. The owner shall

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allow the department to inspect during reasonable hours each aerobic treatment unit system at least annually, and such inspection may include collection and analysis of system-effluent samples for performance criteria established by rule of the department.

(v) The department may require the submission of detailed system construction plans that are prepared by a professional engineer registered in this state. The department shall establish by rule criteria for determining when such a submission is required.

Section 5. This act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to hazard mitigation for coastal redevelopment; amending s. 161.085, F.S.; specifying entities that are authorized to install or authorize installation of rigid coastal armoring structures; authorizing the Department of Environmental Protection to revoke certain authority; amending s. 163.3178, F.S.; providing for designation of coastal high hazard areas; providing criteria for mitigation for increased population densities; providing compliance standards; providing a deadline for level of service for out of county hurricane evacuation; restricting new development of certain structures within the coastal high hazard area; providing a deadline for local governments to amend future land use maps; requiring the Division of Emergency Management to manage certain hurricane evacuation studies; requiring that such studies be performed in a specified manner;



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606 amending s. 381.0065, F.S.; requiring the issuance of  
607 certain permits by the Department of Health to be  
608 contingent upon the receipt of certain permits issued by  
609 the Department of Environmental Protection; providing an  
610 effective date.  
611

**COMMITTEE MEETING REPORT**  
**Environmental Regulation Committee**

**4/5/2006 1:30:00PM**

**Location:** 212 Knott Building

**Summary:**

**Environmental Regulation Committee**

*Wednesday April 05, 2006 01:30 pm*

HB 313      Temporarily Deferred

HB 701 CS      Favorable

Yeas: 6    Nays: 0

HB 1343      Favorable With Committee Substitute

Yeas: 6    Nays: 0

Amendment Substitute      Adopted Without Objection

HB 1359      Favorable With Committee Substitute

Yeas: 6    Nays: 0

Amendment 1      Adopted Without Objection

Committee meeting was reported out: Wednesday, April 05, 2006 4:01:58PM